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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,739	06/22/2006	Alessio Miliani	72NP154554 US	1002
52082 7590 01/16/2008 GENERAL ELECTRIC CO. GLOBAL PATENT OPERATION 187 Danbury Road Suite 204 Wilton, CT 06897-4122			EXAMINER JAGAN, MIRELLYS	
			ART UNIT 2855	PAPER NUMBER
			NOTIFICATION DATE 01/16/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/596,739

Applicant(s)

MILIANI ET AL.

Examiner

Mirellys Jagan

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 4 and 8 are objected to because of the following informalities:

In claim 4, there is lack of antecedent basis in the claim for "pass-through holes".

In claim 8, there is lack of antecedent basis in the claim for "element (30)" and "the portion (40)."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 61241633 to Goto in view of U.S. Patent 3,623,367 to Benedict.

Goto discloses an assembly system comprising:

a supporting element in which a temperature sensor is housed;

wherein said supporting element includes a series of holes for the inlet of a gas, and a cavity in which they are mixed before flowing through an opening of the supporting element; the

series of holes is opposite the opening with respect to the axis of the supporting element; the series of holes, said cavity, and said opening are intercommunicating; the sensor has an end that protrudes from the opening of the supporting element; said supporting element is substantially an internally hollow.

Goto does not disclose the sensor being a thermocouple; the gas being from a turbine exhaust; said opening of the supporting element being positioned centrally with respect to a base surface of a first portion of the supporting element itself; the series of holes being situated in a second portion of the supporting element; the supporting element being a hollow cylinder; the supporting element comprises a first base portion and a second base portion both connected to the first portion and the second portion of the supporting element; and the supporting element, the first base portion, and the second base portion of the assembly system are produced in one piece.

Benedict discloses a temperature sensor assembly for measuring the temperature of a gas exhaust from a turbine. The system uses a thermocouple to measure the temperature of the gas. He teaches that the temperature of the gas is measured in order to determine the performance of the turbine (see column 1, lines 35-37, and Column 2, lines 21-23).

Referring to claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goto by using a thermocouple as the temperature sensor since Benedict teaches that a thermocouple is useful for measuring temperatures of gas flow. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Goto to measure the

temperature of a turbine exhaust gas since Benedict teaches that it is advantageous to measure the temperature of an exhaust gas in order to determine the performance of the turbine.

Referring to claim 2, changing the location of the opening from the location shown by Goto to a location claimed by Applicant, absent any criticality, is only considered to be an obvious modification of Goto that a person having ordinary skill in the art at the time the invention was made would have been able to provide using routine experimentation since the courts have held that there is no invention in shifting the position if the operation of the device would not be thereby modified. See *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the operation of the Goto system would not be modified by moving the opening to the location claimed in claim 2.

Referring to claims 2, 3, 7, and 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by Goto by making the system of various elements, since it has been held that the mere fact that a given structure is integral does not preclude its consisting of various elements. See *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. of Int. 1969).

Furthermore, referring to claim 8, the manner of forming the system is not germane to the issue of patentability of the apparatus itself. Therefore, this limitation has not been given patentable weight.

Referring to claim 6, the shape of the system claimed by applicant is only considered to be obvious modifications of the shape or configuration of the system disclosed by Goto as the courts have held that a change in shape or configuration without any criticality is within the level of skill in the art since the particular shape claimed is nothing more than one of numerous shapes

that a person having ordinary skill in the art would have been able to provide using routine experimentation based on its suitability for the intended use of the invention. See *In re Dailey*, 149 USPQ 47 (CCPA 1976).

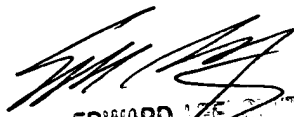
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 12PM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ
January 7, 2008


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